

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARCO JONES,)	
)	
Plaintiff,)	2:05-cv-01213
)	
v.)	
)	
HARRY E. WILSON, DISTRICT ATTORNEY OF THE COUNTY OF FAYETTE and ATTORNEY GENERAL OF THE STATE OF PA,)	
)	
Respondents.)	

ORDER OF COURT

Marco Jones' Petition for Writ of Habeas Corpus was received by the Clerk of Court on August 30, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on May 17, 2006, recommended that the Petition for Writ of Habeas Corpus filed by Marco Jones be dismissed because it was not timely filed and that a certificate of appealability be denied.

The parties were allowed ten (10) days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Institution at Fayette, Labelle, Pennsylvania, where he is incarcerated and on the Defendant. No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 7th day of June, 2006, it is hereby **ORDERED** that the Petition for Writ of Habeas Corpus filed by Marco Jones is **DISMISSED** and a certificate of appealability is **DENIED**.

The MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (Document No. 25), dated May 17, 2006, is adopted as the Opinion of the Court.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

cc: Marco Jones
GF-8410
P.O. Box 9999
SCI Fayette
LaBelle, PA 15450-0999

Ronald M. Wabby, Jr., Esquire
Email: ron.wabby@da.allegheny.pa.us